

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

ANOSHVI HOSPITALITY, LLC	)	
d/b/a FAIRFIELD INN & SUITES	)	CIVIL ACTION
ATLANTA STONECREST,	)	FILE NO.: _____
	)	
Plaintiff,	)	[On Removal from the State Court of
v.	)	DeKalb County, Georgia;
	)	Civil Action No. 22A00200]
WESCO INSURANCE COMPANY,	)	
	)	
Defendant.	)	

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**NOTICE OF REMOVAL**

COMES NOW, WESCO INSURANCE COMPANY (“**Wesco**”) Defendant in the above-styled action, and within the time prescribed by law, hereby files this Notice of Removal pursuant to U.S.C. §§ 1441, 1332 and 1446, respectfully showing the Court the following:

1.

Plaintiff Anoshvi Hospitality, LLC d/b/a Fairfield Inn & Suites Atlanta Stonecrest (“**Anoshvi**”) filed suit against Defendant Wesco in the State Court of DeKalb County, Georgia, which is within the Atlanta Division of this Court. This suit is styled as above and numbered Civil Action File No. 22-A-00200 in that Court. See, Complaint.

2.

Defendant Wesco shows that said suit was initiated on January 18, 2022, in the State Court of DeKalb County, Georgia. Defendant Wesco was served with Plaintiff's Summons and Complaint on February 7, 2022. This Notice of Removal is filed within thirty (30) days of February 7, 2022, the date on which Wesco first received the Complaint and notice of the subject lawsuit. This Notice of Removal is also filed within one year of the commencement of the action. Therefore, the removal is timely pursuant to 28 U.S.C. § 1446(b) and (c).

3.

Upon information and belief, Plaintiff Anoshvi is a limited liability company located in Lithonia, DeKalb County and is therefore a resident and citizen of the State of Georgia. See, Compl. ¶ 1. Plaintiff is not a resident or citizen of the State of Ohio or the State of Delaware.

4.

Defendant Wesco is a corporation organized under the laws of the State of Delaware with its principal place of business in the State of Ohio and is not a citizen of the State of Georgia. Wesco was not a citizen of the State of Georgia on the date of filing this action and has not been thereafter.

5.

Complete diversity exists between Plaintiff and Defendant in accordance with 28 U.S.C. § 1332(a)(1).

6.

This action is a civil action between citizens of different states where the controversy exceeds the sum of \$75,000, exclusive of interest and costs. Plaintiff expressly alleges in its Complaint that it is entitled to all damages related to the allegedly damaged Property, as well as attorneys' fees and costs. See, Compl. ¶¶ 31, 42, 45. Given the admissions *in judicio* by Plaintiff regarding the value of its claim and the estimates submitted by Plaintiff for what it contends the cost to repair the damages to the Property to be, as well as the alleged bad faith failure by Defendant Wesco to pay this amount, the amount in controversy in this matter will exceed the jurisdictional requirement of \$75,000.

7.

Plaintiff seeks recovery of \$622,753.27 plus pre-judgment interest, bad faith penalties and attorneys' fees. See, Compl. ¶ 47. In light of the foregoing, considering no payment has been made to or on behalf of Plaintiff arising out of the Claim, the amount in controversy for this matter far exceeds the jurisdictional requirement of \$75,000.

8.

This civil action may be removed to this Court pursuant to 28 U.S.C. § 1441. This Court has original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1) and (b) as there is complete diversity of citizenship between Plaintiff and Defendant and, as shown above, the amount in controversy exceeds \$75,000. Further, as required by 28 U.S.C. § 1441(b), Defendant Wesco is not a citizen of the State of Georgia.

9.

Defendant Wesco has attached hereto copies of all process, pleadings, and orders served upon it in this case prior to the date of this Notice of Removal. Such copies are attached hereto as Exhibit A.

10.

Defendant Wesco has given written notice of the filing of this Notice of Removal to Plaintiff by notifying its attorney of record, William L. Flournoy, Esq., The Bush Law Group, P.A., 6622 Southpoint Dr S – Suite 190, Jacksonville, Florida 32216. Defendant Wesco has also filed a written notice with the State Court of DeKalb County, Georgia, a copy of said notice being attached hereto and made a part hereof.

WHEREFORE, Defendant Wesco Insurance Company prays that this case be removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

Respectfully submitted this is 8<sup>th</sup> day of March, 2022.

**SWIFT, CURRIE, MCGHEE & HIERS, LLP**

/s/ Jessica M. Phillips

Jessica M. Phillips, Esq.

Georgia Bar No. 922902

Erik L. Johnson

Georgia Bar No. 139597

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**LOCAL RULE 5.1C CERTIFICATION**

By signature below, counsel certifies that the foregoing pleading was prepared in Times New Roman, 14-point font in compliance with Local Rule 5.1C.

This 8<sup>th</sup> day of March, 2022.

Respectfully Submitted,

**SWIFT, CURRIE, MCGHEE & HIERS, LLP**

/s/ Jessica M. Phillips

Jessica M. Phillips, Esq.

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that I electronically filed the foregoing ***NOTICE OF REMOVAL*** with the Clerk of Court via the CM/ECF system, through which the Court will send notification to the following attorneys:

William L. Flournoy, Esq.  
THE BUSH LAW GROUP, P.A.  
6622 Southpoint Dr S – Suite 190  
Jacksonville, Florida 32216  
[Wlflournoy@bushlawgroup.net](mailto:Wlflournoy@bushlawgroup.net)  
[Krdupries@bushlawgroup.net](mailto:Krdupries@bushlawgroup.net)  
[Justin@bushlawgroup.net](mailto:Justin@bushlawgroup.net)

This 8<sup>th</sup> day of March, 2022.

Respectfully Submitted,

**SWIFT, CURRIE, MCGHEE & HIERS, LLP**

/s/ Jessica M. Phillips

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Georgia Bar No. 922902  
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Georgia Bar No. 139597  
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